

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeffrey G. Anderson, et al.

Application No.: **10/053,402**

Filing Date: **January 17, 2002**

For: **Local Agent For Remote File Access System**

Confirmation No.: **1590**

Group Art Unit: **2151**

Examiner: **Karen C. Tang**

Mail Stop Appeal-Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPELLANT'S BRIEF PURSUANT TO 37 C.F.R. § 41.37

This brief is being filed in support of a Notice of Appeal filed in the above-identified application on August 2, 2007, appealing rejections of claims 1-20 and 31-33 on May 2, 2007.

1. REAL PARTY IN INTEREST

The real party in interest is Sinotech PLC, LLC of Wilmington Delaware, as recorded February 3, 2006 at Reel 017119, Frame 0481.

2. RELATED APPEALS AND INTERFERENCES

A Request for Pre-Appeal Brief Conference review was filed along with the Notice of Appeal on August 2, 2007 for present application No. 10/053,402. A Notice of Panel Decision from the Pre-appeal Brief Review was issued on November 8, 2007. The result of that panel decision is to proceed to the Board of Patent Appeals and Interferences concerning the rejection of claims 1-20 and 31-33.

3. STATUS OF CLAIMS

Claims 1-20 and 25-33 are pending in the present application. Claims 21-24 are cancelled. Claims 25 through 30 are withdrawn via Examiner restriction. Claims 1-20 and 31-33 stand finally rejected as a result of the May 5, 2007 Final Office Action. The rejection was maintained in an Advisory Action dated June 18, 2007.

Claims 1-20 and 31-33 are the subject of this appeal.

4. STATUS OF AMENDMENTS

No amendments to the claims were filed after entry of the Final Rejection. The listing of claims in the Claims Appendix (section 8 of this brief) reflects the state of the claims at the time of the Final Rejection.

5. SUMMARY OF CLAIMED SUBJECT MATTER

This Summary is intended to provide a concise explanation of subject matter defined in the independent claims, and in those dependent claims separately argued on appeal, in accordance with 37 C.F.R. § 41.37(c)(1)(v). This Summary is not intended to be used to limit the scope of the claimed subject matter.

Concise explanation of independent claim 1 with reference to specification and drawings:

Independent claim 1 provides the following features of a method relating to remote access to a file using a local agent module, which can be understood with reference to examples in the indicated portions of Applicant's specification and drawings with reference to the corresponding US Patent Publication Serial. No. 2003/0084128, Published May 1, 2003:

1. A computer implemented method for use by a local agent module [e.g., Fig. 1, item 40] associated with a local computer [e.g., Fig. 1, item 44] to enable remote access to at least one file residing on the local computer [e.g., Fig. 1, item 48], comprising:

polling a server for a task request [e.g., Fig. 1, signal A1, where the local agent polls the server for a task request, para. 0050], the task request generated by a remote

client computer [e.g., Fig. 1, item 20 where the task request is generated by the client computer], **the task request requesting a file from the local computer** [e.g., para. 0051]; **receiving the task request from the server, the task request identifying a file from the local computer associated with the local agent**[e.g., Fig. 1 , signal S1, para. 0051, generating a command to retrieve a file from the local computer 44 in Fig. 1]; **responsive to the task request, causing the file to be uploaded to the server from the local computer**[e.g., Fig. 1, signal A2, para. 0051, retrieve a local file from the computer 44 and the local file is returned to the local agent 40,; Para. 0052, the local agent 40 returns the task output/file to the server 10]; **waiting for a schedule timer to expire** [e.g., item 160, Fig. 3 and para. 0065]; **and repeating at least the above act of polling a server for a task request** [para. 0065].

Claims 2-7, and 31 depend from independent Claim 1.

Concise explanation of independent claim 8 with reference to specification and drawings:

Independent claim 8 provides the following features of a computer readable medium having instructions which perform acts when executed on one or more processors. The acts resulting from the instruction execution can be understood with reference to examples in the indicated portions of Applicant's specification and drawings with reference to the corresponding US Patent Publication Serial. No. 2003/0084128, Published May 1, 2003:

8. A computer readable medium including sequences of instructions for causing one or more processors to perform acts for remote file access for a local agent module [e.g., para. 0102, computer readable medium, such as a CDROM, having program code that causes a computer to carry out the method], **the acts comprising:**

polling a server for a task request[e.g., Fig. 1, signal A1, where the local agent polls the server for a task request, para. 0050], **the task request generated by a remote client computer**[e.g., Fig. 1, item 20, para. 0050 where the remote client 20 sends a task request signal to the server 10], **the task request requesting a file from the local computer** [e.g., para. 0051, the local agent 40 generates a command to retrieve a local file 48 from the computer 44];

receiving the task request from the server, the task request identifying a file from at least one local computer associated with the local agent[e.g., Fig. 1 , signal S1, para. 0051, generating a command to retrieve a file from the local computer 44 in Fig. 1];

responsive to the task request, causing the file to be uploaded to the server from the local computer[e.g., Fig. 1, signal A2, para. 0051, retrieve a local file from the computer 44 and the local file is returned to the local agent 40,; Para. 0052, the local agent 40 returns the task output/file to the server 10];

waiting for a schedule timer to expire [e.g., item 160, Fig. 3 and para. 0065]; and repeating at least the above act of polling [para. 0065].

Claims 9-14, and 32 depend from independent Claim 8.

Concise explanation of independent claim 15 with reference to specification and drawings:

Independent claim 15 provides the following features of a local agent. The elements of claim 15 can be understood with reference to examples in the indicated portions of Applicant's specification and drawings with reference to the corresponding US Patent Publication Serial. No. 2003/0084128, Published May 1, 2003:

15. A local agent [e.g. Fig. 1, item 40, Fig. 3, item 140]] comprising:
a task processor for polling a server for a task request[e.g., Fig. 3, item 164, para. 0063, the task processor 164 communicates to a server via a TCP/IP stack 148, an XML I/O parse 152, and a SOAP Interpreter 156,; Fig. 1, signal A1, para. 0050, the local agent 40 polls the server 10 with signal A1], the task request identifying a file in a local computer associated with the local agent [e.g., para. 0051, the local agent 40 generates a command to retrieve a local file 48 from the computer 44], the task request generated by a remote client computer[e.g., Fig. 1, item 20, para. 0050 where the remote client 20 sends a task request signal to the server 10], the task request requesting a file from the local computer[e.g., para. 0051, the local agent 40 generates a command to retrieve a local file 48 from the computer 44];
a schedule timer communicatively coupled to the task processor for controlling a task processor polling interval[e.g., item 160, Fig. 3 and para. 0065, the timer is for

instructing the task processor 164 to logon to the server 144 and check for task requests from the remote client 20]; and

one or more protocol stacks for communicating over a network with the server
[e.g., Fig. 3, item 148,; para. 0063, communication with the server 144 is achieved with a TCP/IP (transmission control protocol/internet protocol) stack].

Claims 16-21, and 33 depend from independent Claim 15.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether the combination of the teachings of U.S. Patent Publication No. 2002/0023140 to Hile et al. (Hile) and U.S. Patent Publication No. 2005/0283462 to Pennec et al. (Pennec) can form a prima facie case of obviousness against the pending claims under 35 U.S.C. §103(a) where the combination of Hile and Pennec changes the principle of operation of Hile as prohibited by MPEP §2143.01 Part VI.

7. ARGUMENT

I. Background Relevant to Argument

This case concerns motivation to combine references in the instance where the addition of a second prior art cited reference changes the principle of operation of a first cited prior art reference. The claims under appeal are rejected under 35 U.S.C §103 (a) as being obvious under the combination of Hile and Pennec. Appellant respectfully submits that one of skill in the art would not be motivated to combine these two references because, considering all of the teachings of the two references, the addition of Pennec to Hile changes the principle of operation of Hile and renders Hile inoperable as modified by Pennec.

Initially, an overview of one aspect of the invention is discussed below with respect to the present application. This overview is presented as a non-limiting background in gaining an appreciation for the issue on appeal. Also briefly discussed below are the teachings of the two prior art references; Hile and Pennec. Specific arguments are also presented below.

A. Overview of an Aspect of the Invention

According to one aspect of the invention, an asynchronous remote file access protocol is used that allows a remote client to request a file that is stored on a computer serviced by a

local agent. The remote client requests a file by sending a task request signal to the server. The task request signal is received by the server and is then queued in the server. A local agent associated with a local computer having the desired file performs a periodic poll of the server. The poll checks a task queue for any task requests that were submitted to the server for files and the like. Upon detection of the poll and identification of the task request, the server forwards the task request for the file to the local agent¹.

The local agent generates a command to the local computer to retrieve the requested file. The file is transferred from the local computer to the local agent². The local agent sends the requested file to the server. The server then notifies the remote client that the requested file is available. The file can then be transferred to the remote client from the server³.

B. Teachings of U.S. Patent Publication No. 2002/0023140 to Hile et al. (Hile)

Hile teaches an Electronic Document Delivery System having a method “for transferring data files between a first computing device and a second computing device interconnected by a network. The method includes establishing a first network connection between the first computing device (a client computing device) and a second computing device (a server), registering a file transfer request for a given data file with a server application residing on the second computing device, establishing a second network connection between the first computing device and the second computing device such that the second network connection is independent from the first network connection, retrieving the file transfer request from the server application via the second network connection; and transferring the data file via the second network connection in response to the file transfer request retrieved from the server application⁴”.

Hile teaches a direct communication from the user-requesting application to register requests for document deliveries⁵ (such as document transmissions to the server) using the first network connection. Hile also teaches a direct communication between the client computing device and the server via the second network connection⁶. Hile discloses that the server subsystem (second computing device) generally includes a server application 22 which is responsible for coordinating the execution of file transfer requests. A requesting

¹ Specification, US Pat. Pub. 2003/0084128, para 0050 and Figure 1.

² Specification, US Pat. Pub. 2003/0084128, para 0051 and Figure 1.

³ Specification, US Pat. Pub. 2003/0084128, para 0052 and Figure 1.

⁴ Hile, US Pat. Pub. No. 2002/0023140, para 0005.

⁵ Hile, US Pat. Pub. No. 2002/0023140, Fig. 1 and para 0014.

⁶ Id.

application in the client computing device of the user is operable to establish a network connection to the server application and to register a file transfer request with the server application⁷. Hile also discloses that a transfer application, also in the client computing device of the user, is operable to establish the second network connection to the server (second computing device) to retrieve any applicable file transfer requests and to transfer data files to the server (pushed to the server).⁸

Hile teaches a file transfer initiated by a user that wishes to send a file to another computer. In Hile, this is accomplished by having a user fill out a file “Send Form” to an application server for the files that the user wants to send or push out to a recipient.⁹ Then, the selected file must be transferred from the sender's computing device to the server.¹⁰

Thus, Appellant submits that Hile teaches using a first direct communication between a user-requesting application (in the client computing device) and a server application to register a file transfer request. Hile then uses a second direct communication between a user-transfer application (in a client computing device) to accommodate the actual data file push to the server from the user client computing device to the server. The transfer requests use “Send Forms” because the direction of the transfer is to “push” a file from a user/client device to a server entity on the network.

C. Teachings of U.S. Patent Publication No. 2005/0283462 to Pennec et al. (Pennec)

Pennec teaches a method and system which transfers operational files between a remote home server and a local server for eventual client use. Pennec teaches receiving a request for a file from a client device, where the request includes data identifying the remote home server for the client device, checking that the file is locally stored on a local file server, and forwarding the file from the remote home server to the local server¹¹. The local server then transfers the requested file from the local server to the client device¹².

However, Pennec places a restriction in the disclosure of the operation of the system and method. Pennec explicitly teaches that the configuration does not allow direct exchanges

⁷ Id.

⁸ Id.

⁹ Hile, US Pat. Pub. No. 2002/0023140, Fig. 3 and para 0018.

¹⁰ Hile, US Pat. Pub. No. 2002/0023140, Fig. 1 and para 0019.

¹¹ Pennec, US Pat. Pub. No. 2005/0283462, Fig. 1 and para 0037.

¹² Pennec, US Pat. Pub. No. 2005/0283462, para 0043.

between the client and the home server¹³. Thus, Pennec explicitly teaches that no transfer of either a request for data or the data itself is made directly between the requesting entity, the client, and the file supply entity, the home server. Appellant also submits that Pennec discloses a system where a file is requested by a client user as opposed to a system where a file is pushed out by a client user.

II. Specific Arguments

A. The combination of Hile and Pennec is not sufficient to render the pending claims prima facie obvious because the teachings of Pennec impermissibly changes the principle of operation of Hile.

As described above, Hile teaches a system and method that relies on two separate and functional direct communication links between a client computing device and a server.

Appellant believes that Hile relies heavily on these dual, direct client to server communication connections to practice the invention. The invention of Hile is held to be that which is written in the claims of Hile. The method of independent Claim 1 of Hile contains the elements of a first network connection between the first computing device and the server as well as establishing a second network connection between the first computing device and the server, such that the second network connection is independent from the first connection. Independent Claim 1 of Hile concludes the method by transferring the data file from the first computing device via the second network connection to the server¹⁴. Thus, Hile relies on the dual, direct client (first computing device) to server (second computing device) communication connections provided by the first and second network connections. Appellant submits that the flow of data transfer in Hile is from the first computing device to the server. That is, the file transfer is a “push” of a file to a server so that a file is sent from the first (client) computing device to the server.

As described above, Pennec teaches a method for a client to request a file from a remote home server via a local server. Pennec teaches that direct exchanges between the client and the home server are not allowed. Appellant interprets this according to the disclosure of Pennec as meaning that there are no direct communication connections between the client and the server. This explicit teaching¹⁵ is in direct conflict with the architecture and

¹³ Pennec, US Pat. Pub. No. 2005/0283462, para 0037.

¹⁴ Hile, US Pat. Pub. No. 2002/0023140, Claim 1.

¹⁵ Pennec, US Pat. Pub. No. 2005/0283462, para 0036

teaching of Hile that requires a direct communication connection between a first computing device (a client) and a second computing device (that includes a server).

The 35 U.S.C. §103(a) rejection of the pending claims of the present application combines the teachings of Hile and Pennec. It is well known that a cited prior art reference is good for all that the prior art reference teaches. An examiner cannot pick and choose which teachings of a reference to use and which teaching of the same reference to exclude from consideration in making a rejection. All of the teachings of a prior art reference are relevant in a rejection¹⁶. In this instance the combined teachings of Hile and Pennec, produce an inoperative result. If the system and method of Hile were modified by the teaching of the system and method of Pennec, then the result is a Hile-based configuration consisting of two direct client to server connections that cannot be used according to the method taught by the disclosure and claims of Hile. Pennec requires that there be no direct exchanges between the client and the home server¹⁷. Thus, adding the teachings of Pennec, which mandate no direct exchanges between a client and a server to the teachings of Hile which disclose direct communications between a client and server¹⁸ produces an inoperable system because of conflicting network architectures and constraints. The addition of Pennec to Hile also changes the principle of operation of Hile by changing the architecture of direct communications relied upon by Hile. If the architecture of Hile is not changed by the addition of Hile, then the combination is technically inoperable because of the conflicting requirements of Pennec as compared to Hile. As such, the combination is not functional and therefore cannot rationally obviate the claims of the present application.

This commonsense result is codified in the Manual of Patent Examining Procedure as MPEP §2143.01 Part VI.

MPEP §2143.01 Part VI states:

**THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF
OPERATION OF A REFERENCE**

¹⁶In re Lancer, 465 F.2d 896 (CCPA 1972). "This court has said that [all] of the disclosures in a reference must be evaluated for what they fairly teach one of ordinary skill in the art." In re Boe, 53 CCPA 1079, 1083, 355 F.2d 961, 965, 148 USPQ 507, 510 (1966). Under the facts in Boe, that concept brought non-preferred embodiments within the purview of prior art subject matter against which the claimed subject matter could be compared. However, the concept cuts both ways, and when "all of the disclosures in a reference" are considered, the overall suggestion to emerge from the prior art reference may be contrary to that which might appear from an isolated portion of the reference. Compare In re Sebek, Patent Appeal No. 8631, decided August 31, 1972. In effect, we compare the prior art "as a whole" with the claimed subject matter "as a whole." Doing so in the present case convinces us of the error in the board's decision, and we accordingly reverse."

¹⁷Id.

¹⁸Hile, US Pat. Pub. No. 2002/0023140, Fig. 1

“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.”¹⁹

(MPEP §2143.01, Part VI)

Appellant respectfully submits that Hile as modified by the teachings of Pennec produce a result that is both inoperable and/or changes the principle of operation of Hile and thus is insufficient to render the present claims prima facie obvious. This conclusion results in this instance because the restriction of Pennec to require no direct exchange between the client and the home server, when applied to the direct client to server connections of Hile, render Hile inoperable. An inoperable combination cannot fairly be used to reject a functional, properly claimed invention.

Stated a different way, with the modification of the teachings of Pennec into the invention of Hile, Hile would never receive file delivery requests or be able to directly transfer files according to the method and architecture of Hile because direct exchanges between a client and a server would be disallowed as taught by Pennec. The result is that Hile is rendered inoperable because Hile relies on direct client (user) to server communications to register a file delivery request or upload a file to the server. Since Pennec modifies Hile to prohibit direct client to server communications, then Hile is rendered inoperative when combined with Pennec.

B. The combination of Hile and Pennec is not sufficient to render the pending claims prima facie obvious because the combination of references is not directly compatible and thus inoperable in combination.

Hile teaches a system where a client (first computing device) wishes to “push” a file out to a server²⁰. Specifically, it is the second network connection between the client and the server which acts to upload or “push” the file to the server²¹. In distinction, Pennec discloses a system where a file is requested (to be received) by a client user as opposed to a system where a file is pushed out by a client user²². Thus, Hile teaches a method for a system that

¹⁹ MPEP, Eighth Edition, §2143.01, Part VI

²⁰ Hile, US Pat. Pub. No. 2002/0023140, Title, para. 0014

²¹ Hile, US Pat. Pub. No. 2002/0023140, para. 0021

²² Pennec, US Pat. Pub. No. 2005/0283462, para 0043

sends out files to a server whereas Pennec teaches a method of a system that receives files from a server. The exact methods of both Hile and Pennec are tailored for their respective direction of flow of files. Hile and Pennec transfer files in opposite directions using different network topologies.

The pending claims recite a method and system for a client requesting files. The pending claims do not recite a method whereby a file is transmitted, sent, or “pushed” to a server by a client as the method of Hile discloses. Thus, Appellant respectfully submits that the teachings of Hile and the teachings of Pennec are incompatible because of (a) the specific network architecture issues described above with respect to the direct versus non-direct communications connections and (b) the differences in data flow disclosed by the two prior art disclosures. Appellant respectfully submits that one of skill in the art would not combine the teachings of Hile and Pennec to arrive at the presently pending claims because of the incompatibility of architecture, operation, and directional flow of information from the client. As a result of these technical incompatibilities, one of skill in the art would not be motivated to combine the cited prior art references.

It is well known that in order to establish a prima facie case of obviousness for a 35 U.S.C. §103(a) rejection, there must be some motivation to combine the references, there must be a reasonable expectation of success, and the cited prior art must teach all of the claim limitations²³. In this instance there is no motivation to combine the cited prior art references because of the technical incompatibilities and the inoperability of the combination as described above. Also, since the technical incompatibilities suggest that the combination would not be functional to read on the pending claims, then there is little reasonable expectation of success. In this instance success is limited because of the above mentioned constraint imposed by Pennec on the Hile direct connections that no direct exchanges be performed from client to server. Without such direct exchanges, Hile would fail to function and there would be no success resulting from the combination. Without a reasonable expectation of success, one of skill in the art would not be inclined to simply combine Hile and Pennec in order to arrive at the invention of the pending claims.

C. The principle stated in MPEP §2143.03 Part VI is not negated by the recent Supreme Court Case concerning obviousness.

²³ MPEP Eighth Edition, §2143.

The Advisory Action dated 6/18/2007 stated that Hile, at paragraph 0031 teaches that “the invention is capable of modification without departing from the spirit of the invention. Hile and Pennec both are concentrate their inventions on file transferring, therefore the combination of the two references would not depart from the spirit of Hile's invention. Further, it is obvious that if one party started to request the file transfer first in Hile, then the second party would start transferring file by request. Therefore, it makes sense to combine the two references”²⁴.

Appellant respectfully disagrees and notes that paragraph 0031 of Hile states, in full: “While the invention has been described in its presently preferred form, it will be understood that the invention is capable of modification without departing from the spirit of the invention *as set forth in the appended claims.*” Appellant submits that the independent claims of Hile include establishing a first and second direct network connection for data exchanges between the first computing device and a server which is prohibited by Pennec. The Advisory Action fails to address application of MPEP §2143.03 Part VI to the current combination of Hile and Pennec even though the MPEP section was cited to the Examiner in the Final Office Action response dated June 6, 2007.

In April, 2007, the Supreme Court handed down a decision in the case of KSR International Co. v. Telflex Inc. (KSR)²⁵. In that case, the Court held, among other things, that the TSM test, (teaching, suggestion, motivation) often applied by the Federal Circuit in assessing obviousness, is not the only test to use. However, Appellant believes that the Court, in the KSR decision, did not hold that a combination of prior art references can be the basis of a *prima facie* case of obviousness despite the fact that their combination is inoperable. Appellant also believes that the Court did not hold that if a first prior art reference is modified by a second prior art reference to the extent that the principle of operation of the first prior art reference is changed, then the combination results in a *bona fide prima facie* case of obviousness. In short, the KSR decision did not rescind the common sense rule underlying MPEP §2143.03 Part VI.

In the present case, not only does the modification of Hile by Pennec result in a change of the principle of operation of Hile, but the combination is also inoperable resulting in the non-functionality of Hile. Appellant does not believe that the Supreme Court in KSR intended that inoperable combinations of prior art references could be used in an attempt to

²⁴ Advisory Action dated 6/18/2007, Continuation page.

²⁵ KSR, 550 U.S. --, 82 USPQ2d 1385 (2007).

read on functional claims in a patent application. MPEP §2143.03 Part VI places a rational and well-reasoned limit on the combination of prior art references in order to account for the real-world utility needed by patent claims having novelty. Appellant submits that inoperable combinations of prior art references should not be used to discount the work of inventors.

Stated another way, fantasy prior art combinations that can find no functionality or usefulness in the real world should not be permitted to obviate function claims of tangible inventions. Accordingly, Appellant submits that MPEP §2143.03 Part VI is still good law in light of the Supreme Court's KSR decision.

III. Conclusion

For all of the foregoing reasons, Appellant respectfully requests that the Board reverse the 35 U.S.C. §103(a) rejection of Claims 1-20 and 31-33 and direct the Examiner to issue a Notice of Allowance.

Date: December 7, 2007

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8. CLAIMS APPENDIX

1. A computer implemented method for use by a local agent module associated with a local computer to enable remote access to at least one file residing on the local computer, comprising:

polling a server for a task request, the task request generated by a remote client computer, the task request requesting a file from the local computer;

receiving the task request from the server, the task request identifying a file from the local computer associated with the local agent;

responsive to the task request, causing the file to be uploaded to the server from the local computer;

waiting for a schedule timer to expire; and

repeating at least the above act of polling a server for a task request.

2. The method of claim 1, further comprising:

setting up local agent preferences;

setting up remote client preferences;

initiating the act of polling, based on the local agent preferences; and

initiating an act of uploading, based on the remote client preferences.

3. The method of claim 1, wherein the act of polling occurs over a transmission control protocol/internet protocol stack, through functions specified in a simple object access protocol interpreter.

4. The method of claim 1, wherein the act of causing the file to be uploaded includes:

initiating a request to a subsystem for the file; and

receiving the file from the subsystem.

5. The method of claim 1, wherein the act of causing the file to be uploaded includes:

initiating a request to a subsystem for the file;

instructing the subsystem to upload the file to the server; and

receiving an indication that the file was uploaded to the server.

6. The method of claim 1, wherein the act of causing the file to be uploaded includes:
 - initiating a request to a message access protocol interface for the file from a message access protocol interface database; and
 - receiving the file from the message access protocol database.
7. The method of claim 6, wherein the causing the file to be uploaded includes instructing the file to be sent to the server from the message access protocol database.
8. A computer readable medium including sequences of instructions for causing one or more processors to perform acts for remote file access for a local agent module, the acts comprising:
 - polling a server to receive a task request, the task request generated by a remote client computer, the task request requesting a file from a local computer;
 - receiving the task request from the server, the task request identifying a file from at least one local computer associated with the local agent;
 - responsive to the task request, causing the file to be uploaded to the server from the local computer;
 - waiting for a schedule timer to expire; and
 - repeating at least the above act of polling.
9. The computer readable medium of claim 8, further comprising instructions for performing the acts of:
 - setting up local agent preferences;
 - setting up remote client preferences;
 - initiating the act of polling, based on the local agent preferences; and
 - initiating an act of uploading, based on the remote client preferences.
10. The computer readable medium of claim 8, wherein the act of polling occurs over a transmission control protocol/internet protocol stack, through functions specified in a simple object access protocol interpreter.
11. The computer readable medium of claim 8, wherein the act of causing the file to be uploaded includes:
 - initiating a request to a subsystem for the file; and

receiving the file from the subsystem.

12. The computer readable medium of claim 8, wherein the act of causing the file to be uploaded includes:

initiating a request to a subsystem for the file;
instructing the subsystem to upload the file to the server; and
receiving an indication that the file was uploaded to the server.

13. The computer readable medium of claim 8, wherein the act of causing the file to be uploaded includes:

initiating a request to a message access protocol interface for the file from a message access protocol interface database; and
receiving the file from the message access protocol database.

14. The computer readable medium of claim 13, wherein the act of causing the file to be uploaded includes instructing the file to be sent to the server from the message access protocol database.

15. A local agent comprising:

a task processor for polling a server for a task request, the task request identifying a file in a local computer associated with the local agent, the task request generated by a remote client computer, the task request requesting a file from the local computer;

a schedule timer communicatively coupled to the task processor for controlling a task processor polling interval; and

one or more protocol stacks for communicating over a network with the server.

16. The local agent of claim 15, wherein the one or more protocol stacks includes a transmission control protocol/internet protocol stack.

17. The local agent of claim 15, wherein the one or more protocol stacks includes a simple object access protocol interpreter.

18. The local agent of claim 15, further comprising a subsystem for executing a task from the task request.

19. The local agent of claim 15, further configured to initiate a request to a message application programming interface database.

20. The local agent of claim 15, further configured to receive a file from a message application programming interface database.

31. The method of claim 1, wherein the timer resides in and is controlled by the local agent module.

32. The computer-readable medium of claim 8, wherein the schedule timer resides in and is controlled by the local agent.

33. The local agent of claim 15, wherein the schedule timer resides in and is controlled by the local agent.

9. EVIDENCE APPENDIX

There is no additional evidence to be submitted in this appeal.

10. RELATED PROCEEDINGS APPENDIX

A Notice of Panel Decision from Pre-Appeal Brief Review was issued on November 8, 2007 and is part of the official USPTO record in this case. The Notice of Panel Decision is provided as a separate document and is filed as a part of and along with this appeal brief.